

Notice of Allowability

Application No.

09/825,800

Examiner

Fred I. Ehichioya

Applicant(s)

HORVITZ ET AL.

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/06/2004.
2. ☒ The allowed claim(s) is/are 1, 3 - 13, 37, 39 -47, and 49 - 52 (renumbered 1 - 26).
3. ☒ The drawings filed on 04 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



**SHAHID ALAM
PRIMARY EXAMINER**



DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1, 3 – 13, 37, 39 – 4, and 49 - 52 drawn to sorting or filtering, classified in class 707, subclass 7.

Group II. Claims 14 – 16, 18 – 34, 36 -, 53 - 56 drawn to application of database, classified in class 707, subclass 104.1.

Group III. Claims 57 - 66 drawn to database maintenance, classified in class 707, subclass 200.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions listed as Group I, Group II, and Group III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention has separate utility as follows:

Group I has separate utility such as collaborative filtering techniques on temporal history of previously viewed information.

Group II has separate utility such as a multimedia system that stores information locally received from program delivery system for view at a local system. See MPEP § 806.05(d).

Group III has separate utility such as a system that facilitates local storage space utilization. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II and Group III, search required for Group II is not required for Group I and Group III and search required for Group III is not required for Group I and Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During telephone conversation with Himanshu S. Amin, Attorney for the Applicant, Registration Number 40,894 on February 17, 2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 1, 3 – 13, 37, 39 – 4, and 49 - 52. Applicant in reply to this Office action must make affirmation of this election. Claims 14 – 16, 18 – 34, 36 -, 53 - 6 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Allowable Subject Matter

3. Claims 1, 37 and 47 are allowed over the prior art of record.
4. The following is an examiner's statement of reasons for allowance:

The prior art of record, either singularly or in combination, fail to anticipate or render obvious the recited feature "an inference system trained by the log selections of previously viewed information and that assigns values to selections in a recommendation list based on the previously viewed information, the inference systems employs collaborative filtering techniques on a temporal history of the previously viewed information to assign values to selections in the recommendation list from higher probability to a lower probability that a user of the system would prefer to view information corresponding to an available selection", as recited in the independent claims.

The closest prior art of record USPN 5,704,017, discloses collaborative filtering system as shown in column 18, lines 42 – 63, but does not disclose an inference system trained by the log selections of previously viewed information and that assigns values to selections in a recommendation list based on the previously viewed information, the inference systems employs collaborative filtering techniques on a temporal history of the previously viewed information to assign values to selections in the recommendation list from higher probability to a lower probability that a user of the system would prefer to view information corresponding to an available selection.

The closest prior art of record USPN 6,714,917, discloses predicated viewing habits of a subscriber which is created based on the demographic data and the viewing

habits associated with subscribers having that demographic profile as shown in column 6, lines 45 - 55, but does not disclose an inference system trained by the log selections of previously viewed information and that assigns values to selections in a recommendation list based on the previously viewed information, the inference systems employs collaborative filtering techniques on a temporal history of the previously viewed information to assign values to selections in the recommendation list from higher probability to a lower probability that a user of the system would prefer to view information corresponding to an available selection.

The dependent claims, being definite, further limiting, and fully enabled by the specification are also allowed.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 571-272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fred I. Ehichioya
Patent Examiner
Art Unit 2162

February 18, 2005


SHAHID ALAM
PRIMARY EXAMINER